CITY OF RICHARDSON CITY PLAN COMMISSION MINUTES – JUNE 3, 2014

The Richardson City Plan Commission met on June 3, 2014, at 7:00 p.m. at City Hall in the Council Chambers, 411 W. Arapaho Road, Richardson, Texas.

MEMBERS PRESENT: Barry Hand, Chairman

Gerald Bright, Vice Chair Janet DePuy, Commissioner Eron Linn, Commissioner Tom Maxwell, Commissioner Randy Roland, Commissioner

Bill Ferrell, Alternate Stephen Springs, Alternate

MEMBERS ABSENT: Marilyn Frederick, Commissioner

CITY STAFF PRESENT: Michael Spicer, Director – Development Services

Susan Smith, Assistant Director – Dev. Svcs. – Dev. & Eng.

Tina Firgens, Planning Projects Manager

Chris Shacklett, Sr. Planner Kathy Welp, Executive Secretary

BRIEFING SESSION

Prior to the start of the regular business meeting, the City Plan Commission met with staff regarding staff reports, agenda items and a work session. No action was taken.

MINUTES

1. Approval of the minutes of the regular business meeting of May 20, 2014.

Chairman Hand asked to have a statement he made regarding the amount of retail space corrected from 50,000 square feet to 200,000 square feet.

Motion: Commissioner Linn made a motion to approve the minutes as corrected; second by Commissioner DePuy. Motion passed 7-0.

CONSENT ITEMS

All items listed under the Consent Agenda are considered to be routine by the City Plan Commission and will be enacted by one motion in the form listed below. There will be no separate discussion of these items unless desired, in which case any item(s) may be removed from the Consent Agenda for separate consideration.

2. **Revised Site and Landscape Plans – Gurdwara Singh Sabha:** A request for approval of a revised site and landscape plan to reflect a 1,940 square foot expansion to the existing 15,344 square foot temple. The property is located at 1201 Abrams Road and is zoned LR-M(2) Local Retail.

3. Amending Plat – Bush Central Station Addition, Lot 1A, Block H: A request for approval for approval of an amending plat for 1.02-acre lot, located north of Street E, west of Street B.

Motion: Vice Chair Bright made a motion to approve the Consent Agenda as presented; second by Commissioner Maxwell. Motion approved 7-0.

PUBLIC HEARINGS

4. **Zoning File 14-14 – Event Center:** Consider and take necessary action for approval of a Special Permit for an event/community center in a 4,485 square foot lease space located at 999 E. Arapaho Road. The property is currently zoned I-M(1) Industrial.

Mr. Shacklett indicated the applicant was proposing to open an event/community center in a 35,000 square foot office building located on the north side of Arapaho Road between Executive Drive and International Parkway. He added that since an event center was not a listed use in Comprehensive Zoning Ordinance, a Special Permit would be required.

Regarding available parking, Mr. Shacklett stated there are currently 238 parking spaces and the applicant anticipates using only 100 of those spaces. In addition, the adjoining property is owned by the same person who owns the property in question and if there was ever a need for additional parking the adjoining property would be used.

Mr. Shacklett advised that the applicant was planning to rent the space for trade shows, conferences, weddings, religious worship, etc., and was requesting to have events as late as 1:00 a.m. He added that the City's Building Code allowed most of the proposed uses, however, some uses could be limited based on occupancy or require additional measures such as sprinkler systems.

Mr. Shacklett concluded his presentation by stating that if the Commission approved the zoning request, it would be limited to the area shown on Exhibit B - Concept Plan; a minimum of 100 parking spaces would be required; and, as proposed, the event/community center would be prohibited from operating between the hours of 1:00 a.m. and 6:00 a.m. He also noted that two letters in opposition had been received; one based strictly on the hours of operation.

Vice Chair Bright asked for the use and owner of the building between the subject property and the proposed additional parking area.

Mr. Shacklett said the owner was separate from the applicant and no comments had been received from that individual.

Commissioner DePuy asked how much of the space in the building in question was vacant. She also wanted to know how many points of entry the event center would have.

Mr., Shacklett replied that he did not have the vacancy rate, but there were a number of offices housed in the building. He added that since the property was zoned industrial, and the most likely uses were office, manufacturing and warehouse, staff decided to park the proposed use as office.

Regarding the points of entry, Shacklett said entrance would be only through the front.

Commissioner Ferrell asked if there was a maximum occupancy limit on the proposed use based on the square footage.

Mr. Shacklett replied that for certain types of classification there would be a limit of 299, but for other types of events there could be a limit of 99 based on the lack of a fire suppression system.

Commissioner Maxwell asked if there would be any type of events where the occupant could have food and drinks present. He also wanted to know if the occupancy classification was something the Commission should take into consideration when weighting the merits of the case.

Mr. Shacklett said that from a zoning stand point staff viewed the proposed use as an event center, and whether it will be classified as an A2 or A3 (requiring sprinklers at different levels of occupancy) it would be the same use and the applicant would have to work with the Building Inspection Department prior to obtaining their Certificate of Occupancy.

Regarding the occupancy rating, Shacklett said the Commission should consider the land use and whether an event center at the location was an appropriate land use.

Commissioner Linn noted that one of the uses listed on the application was as a religious institution and wanted to know if the applicant had requested only that use, would it be restricted to that particular use.

Mr. Shacklett replied that religious institutions are allowed uses in all of the City's zoning districts so the applicant would not be required to submit a zoning application. They would work with the Building Inspection Department on their Certificate of Occupancy.

With no other questions for staff, Chairman Hand opened the public hearing.

No comments in favor or opposed were received and Chairman Hand closed the public hearing.

Commissioner Maxwell asked if the parking ratio was 1:38 (1 space per 38 square feet) and would that mean the occupancy rate would be based on 38 times the square footage.

Mr. Shacklett said the occupancy would not be tied to parking and would be based on the building code.

Chairman Hand noted that the Commission had been presented with previous cases that were in designated enhancement zones and asked if any of the Commissioners saw the proposed use as an issue.

No comments were made.

Commissioner Springs asked if the item was approved, would the Special Permit come under the six month non-conforming rule if the business shut down.

Mr. Shacklett replied that if a Special Permit was granted it would become part of the land until such time it was either recalled or rezoned. He added that the Special Permit could be tied to a specific user as a condition of the permit.

Commissioner DePuy asked if the property was eventually redeveloped, would the Special Permit be carried forward.

Mr. Shacklett stated that as currently written, the Special Permit is tied to the Concept Plan and if the property was redeveloped and the lease space was no longer there, the permit would not conform to the new property and a new Special Permit would be required.

Chairman Hand said he liked the idea of tying the Special Permit to the applicant and Commissioners Linn and Springs concurred because of the redevelopment/enhancement designation for the property.

Vice Chair Bright asked if the applicant was opposed to tying the permit to him.

Mr. Mohamed Moin, 811 S. Central Expressway, #535, Richardson, Texas, stated the idea of tying the Special Permit to him as the applicant was acceptable.

Chairman Hand explained that the Commission used the idea of tying a Special Permit to an applicant to allow a case by case examination of any future zoning requests to make sure the requested use was still applicable to the area.

Motion: Commissioner DePuy made a motion to recommend approval of Zoning File 14-14 as presented with the additional condition that the Special Permit is tied to the current applicant; second by Vice Chair Bright. Motion approved 7-0.

5. Zoning File 14-13 – Palisades (continued from May 20, 2014 meeting): Consider and take necessary action on a request for a change in zoning from LR-M(2) Local Retail, TO-M Technical Office, and PD Planned Development to PD Planned Development to develop a pedestrian oriented, mixed-use development on approximately 80 acres located on the west side of Central Expressway, generally bounded by Collins Boulevard to the west, Palisades Boulevard and Galatyn Parkway West Extension to the south, and Palisades Creek Drive to the north.

Mr. Shacklett briefly reviewed the changes made to the Planned Development Code (the Code) noting that no changes had been made to the office or retail square footage, number of single-family units, or office and retail space, but noted that there was a proposed decrease in the number of multi-family units from 1,400 to 1,200. In addition, a change had been made to the type of construction on some of the multi-family units and 140 of the units would be required to be located in Dallas County and to be of Type 1 or Type 2 construction.

Mr. Shacklett also reviewed the changes requested from the existing Code made at the May 20, 2014 meeting and those made after the meeting (bold).

	Existing Zoning (including additional land being added to PD)	Proposed Zoning	Net Increase / Decrease
Residential Uses			
Single-family	80 units (attached or detached)	110 units (attached or detached)	+30 units
Multi-family units	600	1,400 / 1,200*	+600 units
Total	680 units	1,510 units	+830 units
Non-residential Uses			
Retail/Restaurant/ Retail/Service	200,000 sq. ft.	200,000 sq. ft.	No Change
Full-Service Hotel	300 rooms	300 rooms	No Change
Office (including existing 457,000 sq. ft.	2,157,000 sq. ft.	2,457,000 sq. ft.	+300,000 sq. ft.

^{*140} of 1,200 units required in Dallas County and shall be Type 1 /2 constructions

- Addition of approximately nineteen (19) acres of land to PD
- Increase in allowed multi-family units from 600 to 1,400
 - Reduced to 1,200 units with 140 required in Dallas County and shall be Type 1/2 construction
- Addition of minimum unit size for 3-br units of 1,200 s.f.
- Increase in allowed single-family units from 80 to 110
- Increase in allowable office area of 300,000 s.f.
- Addition of new Sub-District (Freeway Mixed-Use) and street sections (Mews Drive "3" and Urban Neighborhood Alley)
- Addition of a non-mandatory portion of the Ring Road

- Reduction of building frontage requirement along Palisades Creek Drive and North Entry from 50% to 0% for office buildings or hotel
- Requirement for single-family garages to be located at the rear of the building
- Allowance for three-story, multi-family buildings with surface parking in northern portion of the Outer Ring Mixed-Use
- Phasing Plan has been revised to remove Inner Ring Promenade from Phase 1; still required to be constructed as shown on Regulating Plan

Mr. Carter reminded the Commission that the applicant completed a Traffic Impact Analysis (TIA) and the information was shared at the previous meeting. In that analysis if the property was built out under the existing entitlements there would be approximately 29,000 vehicle trips per day, whereas under the proposed changes there would be a slight increase to 30,000 vehicle trips per day (less than 5%). The TIA also showed that under the existing entitlements there would be an increase of 186 vehicles per hour split between inbound and outbound traffic and distributed across all the driveways and roadways around the site.

Mr. Carter clarified a statement he made in the previous meeting that the traffic would not have a significant impact on the roadways by explaining he was speaking in terms of what could be built under the current entitlements versus what could be built under the proposed Code. He also reviewed some of the mitigation measures and said the measures were the same as those listed under the existing Code.

Chairman Hand asked if staff knew what the current traffic count was prior to any changes.

Mr. Carter said that currently there is 450,000 square feet of office already on the site and that produced less than 20 % of what would be entitled under the currently approved zoning.

Mr. Shacklett concluded his presentation by noting that prior to the May 20th meeting, staff received one letter in support and 166 opposed, and after that meeting, but prior to the current meeting, one additional letter in support and 130 opposed had been received.

Commissioner Linn asked to clarify if any of the proposed 140 units to be built in Dallas County would be constructed as Type 1 and/or Type 2. He also wanted to know if those same units would be condominiums or apartments.

Mr. Shacklett replied that under the proposed Code, the 1,200 multi-family units could be either apartments or condominiums.

Commissioner Maxwell asked where the 140 units were mentioned in the proposed Code.

Mr. Shacklett directed the Commission to page 15 of the proposed Code under the section "Use Criteria (Table 6.2), Multi-family Residential (all dwelling units)" and pointed out that the section listed the minimum dwelling unit sizes, requirements for four-story minimums, and structured parking for the four stories.

There were no other questions for staff and Chairman Hand continued the public hearing from the May 20, 2014 meeting by asking the applicant to come forward.

Mr. Larry Good, Chairman, Good Fulton Farrell Planning (GFF), 2808 Fairmount Street, Dallas, Texas, said he would focus on the changes made since the last meeting including the total number of multi-family units, specificity about where the multi-family units would be built – Dallas County versus Collin County, and an assurance that an appropriate number of the multi-family units would be of a construction type that denotes quality and luxury.

Mr. Good summarized that 1,060 multi-family units would be in Collin County and 140 in Dallas County with the 140 units constructed using Type 1 or Type 2 construction (concrete or steel frame). He added that the change to 140 units of Type 1/2 construction would remove one of the wood framed multi-family buildings from the illustrative plan.

Regarding the proposed change to the phasing and the removal of the Inner Ring Promenade from the first phase, Mr. Good said the area was a half pedestrian, half vehicular fire lane street and, as such, it would have special paving and they did not want to take the chance of breaking up that paving during construction. He added that the ring road would be built either at the end of or concurrent with the surrounding construction.

Mr. Good noted that in the last meeting a question had been raised regarding three bedroom units and that question was addressed with the proposal of a minimum square footage for that sized unit. He also pointed out a change in one of the buildings in the illustrative plan from multi-family to a three story office building with an attached parking garage.

Commissioner Roland asked the applicant to point out the multi-family buildings across the development and to describe the associated parking garages.

Mr. Good pointed out the three, 350-unit multi-family buildings (two in the Outer Ring Mixed-Use and one in the Inner Ring Mixed-Use areas) as well as the proposed 140 units built in a Type 1 or Type 2 building. He added that the two buildings in the Outer Ring would be four stories and the one in the Inner Ring would be five-stories, but all would have concealed parking interior to the structures.

Commissioner Linn asked the applicant to point out the retail areas in the development and if the reduction in the multi-family units would be enough to support the proposed retail.

Mr. Good stated the Code set aside the frontage along the Inner Ring road adjacent to the park as retail ready at the ground floor with an additional restaurant located in the front of Palisades II office building. Regarding the reduction in multi-family and supporting the retail, Mr. Good replied that it was always beneficial to have residential on-site, but it was the office and surrounding neighborhood population that would help make the retail successful. He noted that questions had been posed as to why additional retail had not been added since the land was available and explained that since the project was a mid-block development without anchor tenants it was best to be conservative with the amount of retail.

Commissioner Linn asked if the Type 1 or Type 2 construction would be condominiums.

Mr. Good replied that it would most likely be condominiums because of the small number of units in the building. He added that the market needed to mature because the rents right now were not at high-rise level, but felt they would eventually reach that level and pointed out that the 140 Type 1 or Type 2 units was the minimum that could be built, not the maximum.

Commissioner DePuy asked how many three bedroom units would be built as well as the location, and if any of the three and four story buildings would be located in the Freeway High Rise sub-district.

Mr. Good replied the three bedroom units would comprise approximately three percent of the total number of units and would be located in the Outer Ring Mixed-Use sub-district. He added that the Freeway High Rise sub-district was located on either side of the main entrance off US 75 and it was previously agreed that wood frame buildings would not be built in that area.

Chairman Hand asked to confirm if the applicant was seeking 200,000 square feet of retail because the illustrative plan seemed to show approximately 70,000 square feet. He also wanted to know if some of the proposed office buildings would have retail.

Mr. Good said they had not actually calculated the amount of retail space on the illustrative plan, and confirmed that some of the office buildings could have coffee shops or small retail shops in the lobby area.

Commissioner Maxwell asked what the deciding factor was for putting Type 1 or Type 2 construction in Dallas County, as well as the factors for the split of residential between the two counties.

Mr. Good replied that Palisades' buildings I and II plus the proposed multi-family are in the Dallas County section of the site leaving little space for an additional multi-family building in that county.

Commissioner Ferrell pointed out that in the previous meeting a three-story option was proposed, but in the illustrative plan it appeared to be four stories. He also asked if some of the multi-family units would be at ground level.

Mr. Good replied that the "red hatched" areas on the illustrative plan was where the ground floors would be retail ready with multi-family units above and on the opposite sides of the building the units would be at ground level.

Regarding the three story option mentioned in the previous meeting, Mr. Good said that what was shown last time was an example of what a three story building might look like, how it would address the street, and showed the parking concealed interior to the site. It was also a good example of how an illustrative plan can demonstrate the flexibility of the Code.

Commissioner Ferrell wanted to know the size of the apartments in the three and four story buildings and how the parking would be handled.

Mr. Good replied that in a three story building the courtyard side would have individual garages and an average unit size of 1,050 square feet, whereas the four story buildings would have a wrapped parking garage with an average unit size of 850 square feet.

Chairman Hand stated he had some concerns about "ground floor mounted apartments" and used the Addison Circle project as an example of raised finished floors where the windows were above the street level.

Mr. Good said many of his clients requested raised finished floors be included in their designs giving the street side approach a brownstone front step look.

Chairman Hand asked if the raised floors were codified in the Code and, if not, would there be a problem with codifying it in the Code.

Mr. Shacklett replied that it was in the Code and was required for those areas listed as ground floor activated uses (retail ready), but not required above grade.

Mr. Good said he was not opposed to adding that requirement to the Code.

Commissioner Linn mentioned that he worked in downtown Dallas and noted that the sky bridges and underground tunnel systems had adversely impacted the street level retail and wanted to know if the applicant had plans for these in the proposed project.

Mr. Good replied that he did not like sky bridges and it was never their intent to make sky bridges a feature of the project. He added if the Commission wanted to add language to the Code to control the use he had no objections; however, if a large corporate user came to the site he would like the flexibility to allow that user to tie their buildings together.

Commissioner Linn suggested that sky bridges could be listed as a major modification and Mr. Good did not object.

Commissioner Linn indicated that he was concerned with the fact that form based code did not offer the Commission the opportunity to review the elevations of the buildings and asked the applicant what he thought.

Mr. Good pointed out that the City's staff would be reviewing the building elevations and those elevations would have to be in compliance with the Code.

Commissioner Maxwell asked how many stories would be needed for the 140 unit multifamily building. Mr. Good replied that the building would need to be 10 to 11 stories with approximately 13 units per floor.

No other comments were made in favor.

The following is a list of those who spoke in opposition followed by a summary of their concerns:

- Mr. Mike Kilgard, 205 Crooked Creek, Richardson, Texas, 75080
- Mr. Jedd Keith, 317 Fall Creek, Richardson, Texas, 75080
- Mr. Garry Warrenchuk, 234 Meadow Lark, Richardson, Texas, 75080
- Ms. Sandhya Seshadri, 2702 W. Prairie Creek Dr., Richardson, Texas, 75080
- Ms. Barbara Gilbert, 2309 W. Prairie Creek Dr., Richardson, Texas, 75080
- Mr. Jeremy Thomason, 3301 Canyon Creek Dr., Richardson, Texas, 75080
- Mr. Jay Hawkins, 2402 Grandview Dr., Richardson, Texas, 75080
- Ms. Liz D'Amelio, 316 Crestover Dr., Richardson, Texas, 75080
- Ms. Patricia Simmons, 2 Round Rock Cir., Richardson, Texas, 75080
- Mr. Scott Dye, 305 Fall Creek Dr., Richardson, Texas, 75080
- Mr. Randy Montgomery, 203 High Canyon Ct., Richardson, Texas, 75080
- Mr. Don Dickerson, 319 Ridgecrest Dr., Richardson, Texas, 75080
- Mr. Brad Johnson, 3 Round Rock Cir., Richardson, Texas, 75080
- Mr. Kit Miller, 308 Arborcrest Dr., Richardson, Texas, 75080
- Ms. Joan Scott, 5 Rock Rock Cir., Richardson, Texas, 75080

Summary of the comments and concerns:

- Requested increase in multi-family units was disproportionate to the original request based on the amount of land added:
- Wood frame apartments next to single-family neighborhood;
- Traffic encroaching into the surrounding neighborhoods:
- Change in phasing and multi-family construction;
- Length of construction time;
- Negative impact on the sense of community;
- What type of retail would be allowed;
- Too much multi-family density in northern portion of the City;
- Traffic safety and neighborhood children;
- Decrease in quality residential builders coming into the area because of the impact of so many multi-family units;
- Lack of "boldness" in the overall design and the impact on home values;
- Concerns about support for the proposed retail based on lack of support for retail across the freeway in the Galatyn Park area;
- Build all multi-family units as Type 1 or Type 2 for quality construction;
- Lack of connectivity with east side of US 75.

With no further comments in favor or opposed, Chairman Hand closed the public hearing and asked the applicant if he had any comments in rebuttal. He also reminded the applicant of some of the questions mentioned by the speakers.

Mr. Mark Jordan, 14801 Quorum Drive, Dallas, Texas, stated he would like to respond to the concerns expressed by the speakers:

- Community outreach: beginning two years ago, contact was made with the community through charrettes and meetings with the Canyon Creek Homeowners Association (CCHOA). In addition, many of the residents of Canyon Creek and Prairie Creek have stopped by the office and spoken in depth about the project.
- Phasing: timing of phases was suggested by City Council as a result of input from the local residents. Single-family units will be built first as well as the buffer along Collins Boulevard.
- Plans: modified after input from the City Council, the City Plan Commission, and the local residents.
- Land developed without any concern for the surrounding neighborhoods: developing a four acre park, extensive buffer zone along Collins Boulevard, addition of greenbelt areas.
- Commitment to the project: Not interested in "flipping" the project, moving office to Palisades office buildings, have put together a strong development team including planners, engineers and marketing. Time to complete the project approximately 10 years.
- Quality of multi-family units: Apartments rents will be approximately \$1.60 per square foot and be a higher density and top quality as opposed to apartments in southern section of the City.
- Traffic: based on traffic report multi-family will generate only small amount traffic as opposed to the office development.
- Connectivity: working to make connection through adjoining property and under the bridge to the east side of US 75 so the path will be pedestrian friendly.

Mr. Jordan closed his comments by stating that he viewed this development as his legacy and was not going to flip the land and move on to the next project.

Commissioner Linn asked if the applicant would have to come back to the Commission if the market showed a need for Type 1 or Type 2 residential units. He also wanted to know if the applicant had any concerns about making sky bridges a major modification in the Code.

Mr. Good replied that there was no maximum on Type 1 or Type 2 construction, only a minimum.

Regarding the sky bridges, Mr. Jordan said he was not opposed to listing the addition of sky bridges as a major modification.

Vice Chair Bright wanted to know if the applicant had any objections to codifying the raised finished floors in some of the multi-family units.

Mr. Jordan replied that he would rather have the market direct what should be built as opposed to telling the market and when more items are codified it can become an impediment to the development.

Chairman Hand acknowledged that the Commission had to sometimes fly blind on the form based code and wondered how to codify high quality. He also expressed some concerns about ground floor mounted apartments as opposed to raised finished floors.

Commissioner Roland thanked the applicant for his passion and asked the total value of the project.

Mr. Jordan replied it would be a billion dollar project.

Commissioner Maxwell asked if the applicant was willing to tie the construction number of multi-family units to the build out of office space.

Mr. Jordan said the first multi-family units will not be ready for approximately two years, but once they are they will create the synergy that will allow him to attract corporate users. He again said it would come down to letting the market dictate what should be built at a certain time.

Commissioner DePuy asked to clarify if the ideal phasing would be housing then office/corporate buildings.

Mr. Jordan replied that the single-family homes, the buffer along Collins Boulevard, as well as the ring road would be in Phase 1, all of which will create value and attract the office/corporate user, which is where the his profit would come from.

Chairman Hand said he wanted to correct a misconception from comments made earlier in the meeting that technical issues were not addressed by the Commission. To the contrary, the Commission has been charged by the City Council to use the expertise of the staff and Commissioners to technically review all submissions and make recommendations on the best and highest use of land in the City.

Chairman Hand asked to confirm that the TIA results were based on what is entitled under the current zoning (existing office buildings and 600 multi-family units) versus the proposed changes.

Mr. Carter replied that was correct and also asked to correct another earlier statement that the existing condition was only 10% of the anticipated total after build out. He added that the maximum total under the existing zoning versus the proposed changes would result in a small increase.

Regarding traffic mitigation measures, Mr. Carter noted there had been questions as to why those measures seemed to be pointed towards the inbound traffic as opposed to the outbound traffic and reminded the Commission that the frontage road was under the control of the Texas Department of Transportation (TxDOT). He added that although the City had very little control over any changes to that road, they were requiring the installation of right turn deceleration lanes, something that TxDOT would also require. In addition, the applicant would need to get approval from TxDOT for any modified or new driveway locations and once TxDOT looked at the plans there was always the possibility they could require auxiliary and acceleration lanes and any other items that are beyond what the City was suggesting.

Commissioner Linn asked if the right turn deceleration lane would be considered a major or minor modification.

Mr. Carter replied that the City was requiring as a minimum, per the zoning, the right turn deceleration lanes and if TxDOT requires more within their right-of-way that would be under their purview and not considered a modification of zoning.

Chairman Hand acknowledged that traffic patterns will change once the project is completed, but he did not perceive that much of a change between the existing entitlements versus the proposed.

Mr. Hand noted that some comments had been made about the multi-family butting up against the adjacent neighborhoods, but reminded the audience of the single-family element of the project that will act as a buffer, which he liked. He also thought that moving the building face to the core road and away from Palisades Creek Drive would enhance the urban vibe of the development.

Chairman Hand said he was willing to believe the applicant wanted to build a quality development, and acknowledged it was mathematically true the number of apartments did not match the increase in land area, but was concerned that if the key to success for the office buildings and retail was tied to the number of households, why the Commission would not approve the number proposed by Mr. Jordan.

In closing his comments, Mr. Hand said he thought it was extremely important for the applicant to continue to work with the neighborhood in order to be successful.

Vice Chair Bright thanked the audience members for coming out and giving their opinions, and thought there had been a lot of compromises made on both sides which had resulted in an improvement over previous proposals. He supported the idea of both pieces of property being developed together and urged the residents of Canyon Creek and Prairie Creek to join in supporting the development as he would be doing.

Commissioner DePuy said she thought that the multi-family would not have a significant impact on the school districts and was concerned that reducing the multi-family too much would have an adverse effect on the retail. She acknowledged the passion on both sides of the question, but pointed out that if the quality described by the applicant was delivered it would only increase the value of the homes in the surrounding neighborhoods, but stressed that both side would have to work together.

Commissioner Linn pointed out that the project had come a long way since it was first proposed and was pleased that the applicant had accepted the challenges put forth by the Commission to deliver the best possible plan for the land.

Commissioner Ferrell acknowledged that he lived in one of the neighborhoods adjacent to the project, but in his own defense he had not attended any of the meetings between the applicant and the homeowners associations because he felt it would be a conflict of interest. That said, he still did not see any compromise with the adjacent neighborhood and thought there needed to be more phasing that would allow the existing 600 units to be built, but would tie further units to a growth in the high-rise office buildings.

Commissioner Maxwell said he shared a lot of the same thoughts as Mr. Ferrell and did not see why the phasing could not be tied to the office building development. He stated that he was in favor the overall plan, but did have concerns about traffic going through the neighborhood and hoped the City was looking at any type of mitigation methods.

Commissioner Springs stated that taking a leap of faith when it came to what would be developed was frightening, and admitted that even as an architect it was an irritative process, but at the end of the day there should be some degree of confidence in what would be built. He added that in his opinion the proposal was fundamentally a good project and it came down to having faith in what would be developed.

Chairman Hand asked if it would be possible to phase the project around having more office development before additional multi-family.

Mr. Jordan replied that if the phasing was changed it might force him to reconsider the project because of a lack of return on his investment. He added that his intention was to do a quality market driven, urban, mixed-use development.

Chairman Hand reminded the Commission that the many iterations involved in another mixed-use development in the City may have been a product of micromanaging that project.

Commissioner Roland said he understood the passion involved on both side of the issue, and appreciated the concerns of the citizens regarding the investment in their homes, but pointed out that what was before the Commission was a business deal and the applicant had invested a great deal of time, energy and money into the project. He added that the Commission was charged with getting the best deal it could for the City and for the citizens to treat the applicant other than in a welcoming manner was disingenuous and he offered his apology as a citizen of Richardson for the way the applicant had been treated.

Commissioner Linn asked if there was consensus on the raised finished floors because the applicant had indicated that he was not in favor of that suggestion.

Commissioner Springs suggested that instead of codifying the raised finished floors it would be better to phrase it that the floors would be a goal if the topography allowed and reminded the Commission the request was not a design exercise but a zoning request.

Chairman Hand agreed that it was a zoning request, but pointed out that a form based code was being proposed and the Code would dictate the building form.

Commissioner Linn asked if the floor issue could be added as an allowable use.

Mr. Shacklett the use would be in the multi-family residential and was currently allowed. He also stated there was nothing in the Code to prohibit the use.

Mr. Spicer added that it was appropriate to have the discussion on finished floor elevation in the contest of form based code.

Chairman Hand stated developments with a walkup or brownstone quality would enhance the perception of a higher quality development as opposed to ground floor mounted units.

Mr. Spicer said that if the Commission was serious about looking at requiring a finished floor elevation for ground floor residential units, the focus would be along the public right-of-way and streets offering privacy for the tenants and increased security for the street.

Chairman Hand asked the applicant to comment on the discussion.

Mr. Good stated they were not opposed to finding a way to reach an agreement. They felt the raised finished floors denoted quality and asked the Commission to give an instruction that in the time between the current meeting and the City Council meeting to add language to deal with where that treatment would apply.

Commissioner Linn asked if the sky bridge issue would be treated as a major modification.

Mr. Shacklett replied that if the Commission wanted to treat a sky bridge as a major modification it would only have to be listed as one of the conditions in the motion.

Motion:

Commissioner DePuy made a motion to recommend approval of Zoning File 14-13 as presented with the additional conditions that sky bridges would be prohibited except by major modification, and requiring a minimum finished floor elevation above the sidewalk for ground floor multi-family units not located in the Ground Floor Activated Uses area as shown on the Regulating Plan; second by Commissioner Linn. Motion approved 5-2 with Commissioners Maxwell and Ferrell in opposition.

ADJOURN

With no further business before the Commission, Chairman Hand adjourned the regular business meeting at 10:08 p.m.

Barry Hand, Chairman City Plan Commission